IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4882 OF 2006

IN

FIRST APPEAL NO. 1100 OF 2006

MADANLAL HARIRAM VIG ..APPELLANT

V/S

PARAS SHAH BIHARI & ANR. ..RESPONDENTS

S.S. REDEKAR FOR APPELLANT.

CORAM: S.K. SHAH, J.

DATE : 19TH APRIL 2007.

P.C.

1. Heard counsel on both sides. This application is made by the Respondent seeking relief of handing over the vehicle Maruti Zen to him or in the alternative pending the hearing and final disposal of the First Appeal, Receiver be appointed and Respondent be appointed as the Agent of the Receiver by giving the possession of the taxi.

2. The Appellant had filed a suit seeking injunction against the applicant restraining him

from disturbing the possession of the taxi. That suit came to be dismissed.

3. This court has granted injunction against the applicant/respondent restraining him from taking forcible possession of the taxi. There is documentary evidence consisting of affidavit showing that the the vehicle is sold by the Respondent to the Appellant under an agreement for sale, hire agreement and power of attorney, all executed by the Respondent in favour of the Appellant. The Appeal has been admitted. Under the circumstances, the applicant is not entitled to any relief as claimed. The application is therefore dismissed.

(S.K. SHAH, J.)